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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/578,192	05/24/2000	Ravi V. Condamoor	NH-1	5445

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EXAMINER

SNAPP, SANDRA S

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/578,192

Applicant(s)

CONDAMMOOR ET AL.

Examiner

Sandra Snapp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-29 and 33 is/are allowed.
- 6) ☒ Claim(s) 1-24,30-32 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 10-18-00 was filed in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The Abstract is objected to because it exceeds the 150 word limit. The Abstract must be amended to be less than 150 words. Also, in the last line of the Abstract, the letter “d” does not belong. It appears it is a typo and “d” should be something else, but just exactly what is not obvious to the Examiner.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-24 and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite because there are various antecedent basis issues present. For example, in line 5 the phrase “delta values” is used, then again in line 8 the phrase “delta values” is used again. Are these the same delta values or different delta values, if they are different, they need to be identified differently. If they are the same, then the second and subsequent occurrences should be preceded with the term “said” or “the.” This same issue applies to the phrase “attribute tree.” In line 10 the phrase “the attribute” is used, yet this is the first occurrence of “attribute” and as such should not be preceded by “the.” In lines 20-21 the phrase “the series” is used, yet this is the first occurrence of “series” and as such should not be preceded by “the.”

In claim 2, the phrase “the attribute tree” is used in lines 25-26, however it is unclear if the attribute tree referred to is that of the seller or that of the buyer. This same issue applies to claim 1. On line 27 the phrase “a delta value” is confusing because of the previous reference to

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delta values in claim 1. Is the delta value in claim 2 a different delta value than that already identified in claim 1?

In claim 9, the term “products” is used without being preceded by “the” or “said” therefore it is not clear if the products in claim 9 are the same as those previously identified, or are new products. The same issue applies to the terms “attributes”, “products”, and “value” in claim 10.

In claim 14, lines 11-14 are confusing. Specifically, the claims states, “the delta values representing difference in values of products” as well as “the delta values representing differences in value perceived by the user.” This language is confusing and clarification of what the Applicant intends is required.

In claim 15, the phrase “whereby product-attribute dependencies are stored” is puzzling as it is not clear where the dependencies are stored, are they stored in the attribute means?

In claim 16, the phrase “the final terminal nodes” is the first occurrence and therefore should not be preceded by “the”.

Claim 34 states “comprises incrementing the counter for each prospective buyer” and then further states, “whereby the counter is incremented for each prospective buyer.” The second occurrence appears to be redundant. What is the Applicant trying to claim?

The Applicant should review all the claims for antecedent basis issues, as there may be other problems throughout the entire set of claims similar to these identified.

Claims 2-13 and 15-24 are indefinite because they depend from rejected base claims 1 and 14.

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***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-13 and 30-32 are rejected under 35 U.S.C. 101 because it is unclear from the use of “system” (claims 1-13) and “tool” (claims 30-32) if the Applicant intends for the invention to be directed to a method or an apparatus. Clarification is required. A mere statement clarifying the Applicant’s intent should suffice to clarify the issue, i.e. claims 1-13 are directed to a method.

***Allowable Subject Matter***

Claims 25-29 and 33 are allowed.

Claims 14-24 and 34 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: none of the prior art of record discloses, shows or teaches a system having an attribute manager that receives attributes and delta values from a buyer and a seller, creates and manages an attribute tree, each tree specifying dependencies among the attributes of products as claimed in the present invention.

***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Dedrick patent is for a system that uses a user profile database. The Stratmann patent is for a system that helps individuals make decisions. The Apgar, Horie and Hough patents are all for systems that evaluate the cost or worth of a product. The Ausubel, Luke, Conklin, Odom, Katz, Monks, Solomon, Franklin and Shepard patents are for electronic commerce systems including online auctions. The Sammon, Grimes and Dennis patents have systems that use attribute trees.

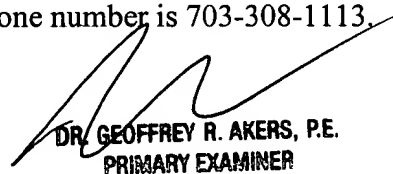
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The examiner can normally be reached on Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

SS

August 6, 2003

  
DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER